

U.S. District Court
Eastern District of California – Live System (Fresno)
CIVIL DOCKET FOR CASE #: 1:24-cv-00177-KES-SKO

Randles v. Mr. Cooper Group, Inc., et al.
Assigned to: District Judge Kirk E. Sherriff
Referred to: Magistrate Judge Sheila K. Oberto
Cause: 28:1332 Diversity–Breach of Fiduciary Duty

Date Filed: 02/07/2024
Date Terminated: 04/26/2024
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Adrian Scott Randles
individually and on behalf of all others
similarly situated

represented by **Patrick H. Peluso , PHV**
Woodrow and Peluso, LLC
3900 E. Mexico Ave
Suite 300
Denver, CO 80210
720-213-0676
Fax: 303-927-0809
Email: ppeluso@woodrowpeluso.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Rebecca L. Davis
Lozeau Drury LLP
1939 Harrison St.
Suite 150
Oakland, CA 94612
510-836-4200
Email: rebecca@lozeaudrury.com
ATTORNEY TO BE NOTICED

V.

Defendant

Nationstar Mortgage, LLC
a Delaware Limited Liability Company
Doing business as
Mr. Cooper

represented by **Allison J. Schoenthal , PHV**
Goodwin Procter LLP
620 Eighth Avenue
New York, NY 10018
212-813-8800
Fax: 212-355-3333
Email: ASchoenthal@goodwinlaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kyle Tayman
Goodwin Procter LLP
1900 N Street, N.W.
Washington, DC 20036
202-346-4000

Email: ktayman@goodwinlaw.com

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Laura A. Stoll**

Goodwin Procter LLP

601 S. Figueroa Street

41st Floor

Los Angeles, CA 90017

213-426-2500

Fax: 213-623-1673

Email: lstoll@goodwinlaw.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Mr. Cooper Group, Inc.***a Delaware Corporation*represented by **Allison J. Schoenthal , PHV**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Kyle Tayman**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Laura A. Stoll**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/07/2024	<u>1</u>	COMPLAINT against Mr. Cooper Group, Inc., Nationstar Mortgage, LLC by Adrian Scott Randles. Attorney Davis, Rebecca L. added. (Filing fee \$ 405, receipt number ACAEDC-11334511) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet)(Davis, Rebecca) (Entered: 02/07/2024)
02/07/2024	<u>2</u>	CIVIL COVER SHEET filed by Adrian Scott Randles (Davis, Rebecca) (Entered: 02/07/2024)
02/07/2024	<u>3</u>	SUMMONS ISSUED as to *Mr. Cooper Group, Inc., Nationstar Mortgage, LLC* with answer to complaint due within *21* days. Attorney *Rebecca L. Davis* *Lozeau Drury LLP* *1939 Harrison St., Suite 150* *Oakland, CA 94612*. (Lundstrom, T) (Entered: 02/07/2024)
02/07/2024	<u>4</u>	CIVIL NEW CASE DOCUMENTS ISSUED: Initial Scheduling Conference set for 5/7/2024 at 09:45 AM in Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto. (Attachments: # <u>1</u> Order Reassigning NODJ, # <u>2</u> Consent Form, # <u>3</u> VDRP) (Lundstrom, T) (Entered: 02/07/2024)
02/12/2024	<u>5</u>	WAIVER of SERVICE RETURNED EXECUTED: Waiver sent to Mr. Cooper Group, Inc. on 2/7/2024, Answer due 4/8/2024 (Davis, Rebecca) (Entered: 02/12/2024)

02/12/2024	<u>10</u>	WAIVER of SERVICE RETURNED EXECUTED: Waiver sent to Nationstar Mortgage, LLC on 2/7/2024, Answer due 4/8/2024 (Davis, Rebecca) (Entered: 02/12/2024)
02/15/2024	<u>17</u>	PRO HAC VICE APPLICATION and PROPOSED ORDER submitted by Adrian Scott Randles for attorney Patrick H. Peluso to appear Pro Hac Vice. (Filing fee \$ 300, receipt number ACAEDC-11350472) (Attachments: # <u>1</u> Certificate of Good Standing)(Davis, Rebecca) (Entered: 02/15/2024)
02/16/2024	<u>18</u>	ORDER GRANTING <u>7</u> Application for Pro Hac Vicesigned by Magistrate Judge Sheila K. Oberto on 02/16/2024. Added attorney Patrick H. Peluso, PHV for Adrian Scott Randles. The Pro Hac Vice attorney is directed to request electronic filing access through PACER. (Flores, E) (Entered: 02/16/2024)
02/27/2024	<u>19</u>	MOTION to CERTIFY CLASS by Adrian Scott Randles. Motion Hearing set for 5/1/2024 at 09:30 AM in Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto. (Attachments: # <u>1</u> Points and Authorities, # <u>2</u> Exhibit A – Firm Resume)(Peluso, Patrick) (Entered: 02/27/2024)
02/28/2024	<u>10</u>	MINUTE ORDER signed by Magistrate Judge Sheila K. Oberto on 2/28/2024: (Text Only Entry) Before the Court is Plaintiff's motion for class certification, filed February 27, 2024. (Doc. <u>9</u> .) The motion contains a certificate of service indicating that the motion "was served upon counsel of record by filing such papers via the Court's ECF system." (<i>Id.</i> at <u>4</u> .) There is currently no "counsel of record" for Defendants, however, as they have not made an appearance in this case and their responsive pleadings are not due until April 8, 2024. (<i>See</i> Docs. <u>5</u> & <u>6</u> .) Accordingly, service of the motion utilizing the "Court's ECF system" is ineffective. By no later than March 1, 2024 , Plaintiff shall file a proof of service indicating service of the motion on counsel for Defendants in accordance with the appropriate Federal Rules of Civil Procedure. See Fed. R. Civ. P. 5; E.D. Cal. L.R. 135. (Kusamura, W) (Entered: 02/28/2024)
02/29/2024	<u>11</u>	CERTIFICATE / PROOF of SERVICE by Adrian Scott Randles re 10 Minute Order,,, <u>9</u> MOTION to CERTIFY CLASS . (Peluso, Patrick) (Entered: 02/29/2024)
03/12/2024	<u>12</u>	NOTICE of APPEARANCE by Laura A. Stoll on behalf of Mr. Cooper Group, Inc., Nationstar Mortgage, LLC. Attorney Stoll, Laura A. added. (Stoll, Laura) (Entered: 03/12/2024)
03/12/2024	<u>13</u>	CORPORATE DISCLOSURE STATEMENT by Defendants Mr. Cooper Group, Inc., Nationstar Mortgage, LLC. (Stoll, Laura) (Entered: 03/12/2024)
03/12/2024	<u>14</u>	STIPULATION and PROPOSED ORDER for Extension of Time to Oppose re <u>1</u> Complaint, <u>9</u> MOTION to CERTIFY CLASS by Mr. Cooper Group, Inc., Nationstar Mortgage, LLC. (Stoll, Laura) (Entered: 03/12/2024)
03/13/2024	<u>15</u>	MOTION to CHANGE VENUE by Mr. Cooper Group, Inc., Nationstar Mortgage, LLC. Motion Hearing set for 4/17/2024 at 09:00 AM in Courtroom 5 before No District Court Judge. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration, # <u>3</u> Proposed Order)(Stoll, Laura) (Entered: 03/13/2024)
03/14/2024	<u>16</u>	ORDER REASSIGNING CASE by Chief Judge Kimberly J. Mueller: Due to the appointment of District Judge Kirk E. Sherriff to the bench of the Eastern District of California, this action is reassigned from No District Court Judge (NODJ) to District Judge Kirk E. Sherriff for all further proceedings. All dates currently set in this reassigned action shall remain pending subject to further order of the court. (Attachments: # <u>1</u> Standing Order) (Rivera, O) (Entered: 03/14/2024)
03/14/2024	<u>17</u>	STIPULATION and ORDER FOR EXTENSION OF TIME. Order signed by Magistrate Judge Sheila K. Oberto on 3/14/2024. (Kusamura, W) (Entered: 03/14/2024)
03/27/2024	<u>18</u>	OPPOSITION by Adrian Scott Randles to <u>15</u> Motion to Change Venue,. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Peluso, Patrick) (Entered: 03/27/2024)

04/02/2024	<u>19</u>	STIPULATION and PROPOSED ORDER for Briefing to be Held in Abeyance by Mr. Cooper Group, Inc., Nationstar Mortgage, LLC. (Stoll, Laura) (Entered: 04/02/2024)
04/02/2024	<u>20</u>	STIPULATION and ORDER FOR BRIEFING TO BE HELD IN ABEYANCE. Order signed by Magistrate Judge Sheila K. Oberto on 4/2/2024. (Kusamura, W) (Entered: 04/02/2024)
04/04/2024	<u>21</u>	MINUTE ORDER signed by District Judge Kirk E. Sherriff on 4/04/2024: (Text Only Entry), The hearing on Defendants' <u>15</u> Motion to Change Venue is RESET to April 17, 2024 at 9:30 a.m. in Courtroom 6 before District Judge Kirk E. Sherriff . The parties shall comply with the Court's Standing Order in Civil Cases. (Gonzales, V) (Entered: 04/04/2024)
04/05/2024	<u>22</u>	PRO HAC VICE APPLICATION and PROPOSED ORDER submitted by Mr. Cooper Group, Inc., Nationstar Mortgage, LLC for attorney W. Kyle Tayman to appear Pro Hac Vice. (Filing fee \$ 300, receipt number ACAEDC-11451234) (Attachments: # <u>1</u> Certificate of Good Standing)(Stoll, Laura) (Entered: 04/05/2024)
04/05/2024	<u>23</u>	PRO HAC VICE APPLICATION and PROPOSED ORDER submitted by Mr. Cooper Group, Inc., Nationstar Mortgage, LLC for attorney Allison J. Schoenthal to appear Pro Hac Vice. (Filing fee \$ 300, receipt number ACAEDC-11451251) (Attachments: # <u>1</u> Certificate of Good Standing)(Stoll, Laura) (Entered: 04/05/2024)
04/08/2024	<u>24</u>	REPLY by Mr. Cooper Group, Inc., Nationstar Mortgage, LLC to RESPONSE to <u>15</u> Motion to Change Venue,. (Stoll, Laura) (Entered: 04/08/2024)
04/08/2024	<u>25</u>	ORDER GRANTING <u>22</u> Application for Pro Hac Vice signed by Magistrate Judge Sheila K. Oberto on 4/8/2024. Added attorney Kyle Tayman for Mr. Cooper Group, Inc. and for Nationstar Mortgage, LLC. The Pro Hac Vice attorney is directed to request electronic filing access through PACER. (Xiong, J.) (Entered: 04/08/2024)
04/08/2024	<u>26</u>	ORDER GRANTING <u>23</u> Application for Pro Hac Vice. Added attorney Allison J. Schoenthal, PHV for Mr. Cooper Group, Inc. and for Nationstar Mortgage, LLC. The Pro Hac Vice attorney is directed to request electronic filing access through PACER. signed by Magistrate Judge Sheila K. Oberto on 4/8/2024. (Xiong, J.) (Entered: 04/08/2024)
04/17/2024	<u>27</u>	MINUTES (Text Only) for proceedings held before District Judge Kirk E. Sherriff: MOTION TO CHANGE VENUE HEARING held on 4/17/2024. The motion argued and submitted. The matter is taken under submission. The Court to issue a written order. Plaintiffs Counsel Patrick Peluso present. Defendants Counsel Kyle Tayman and Molly Leiwant – via video present. Court Reporter/CD Number: Rachel Lundy. (Gonzales, V) (Entered: 04/17/2024)
04/22/2024	<u>28</u>	MINUTE ORDER signed by Magistrate Judge Sheila K. Oberto on 4/22/2024: (Text Only Entry) In light of the pending motion(s), the Initial Scheduling Conference currently set for 5/7/2024, is CONTINUED to 11/7/2024, at 9:450 AM , before Magistrate Judge Sheila K. Oberto. The parties SHALL file their joint scheduling report 7 days prior to the conference. (Kusamura, W) (Entered: 04/22/2024)
04/23/2024	<u>29</u>	STIPULATION and PROPOSED ORDER for Response to Complaint to be Held in Abeyance by Mr. Cooper Group, Inc., Nationstar Mortgage, LLC. (Tayman, Kyle) (Entered: 04/23/2024)
04/24/2024	<u>30</u>	STIPULATION and ORDER FOR RESPONSE TO COMPLAINT TO BE HELD IN ABEYANCE. Order signed by Magistrate Judge Sheila K. Oberto on 4/23/2024. (Kusamura, W) (Entered: 04/24/2024)
04/26/2024	<u>31</u>	ORDER GRANTING Defendants' <u>15</u> Motion for Transfer, signed by District Judge Kirk E. Sherriff on 4/25/2024. Case Transferred to District of Northern District of Texas. (Marrujo, C) (Entered: 04/26/2024)